

EXHIBIT N

From: [McConkey, Robert \(USATNE\)](#)
To: [Dziuban, Michael R.](#); [Andrew B. Campbell](#); [Tony Hullender](#); [Asiyanbi, Samson \(CIV\)](#)
Cc: [Brodsky, Reed](#); [Katterhagen, Jillian N.](#); [Clint Woodfin](#)
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)
Date: Friday, October 15, 2021 4:03:19 PM

[WARNING: External Email]

Michael –

Thank you for your email and the letter attached to it, which arrived in my in-box on October 13 at 11:37 pm Eastern time. You may recall that we requested such a letter at the conclusion of our discussion on September 27. And, while we received it after business hours a little over two weeks later, we notice that it included a number of immediate (and somewhat arbitrary) deadlines, which we did not discuss during our previous telephonic conference. While we find some of these unilateral deadlines to be unreasonable, and do not agree to be bound to them, please rest assured that—since our conference on September 27—we have been working diligently to address the issues that we discussed with you, and we will continue to do so. As we discussed at our teleconference on September 27, our immediate priority at that time was to prepare and file a response to Walgreens’ supplemental brief in support of its motion to dismiss. Now, our primary focus is to collect, Bates stamp and otherwise prepare numerous documents for production in response to Walgreens’ requests for production. We intend to begin production as soon as possible.

With respect to the draft protective order that you circulated, we anticipate getting back to you with comments and proposed changes early next week. Andrew and Tony are currently awaiting final comments and input from their client representative, who is out of the office until Monday. For the same reason, we cannot get back to you before next week regarding Walgreens’ proposed search terms. We can tell you that TennCare custodians identified so far are Renee Williams-Clark (Chief Pharmacy Officer, TennCare), Cindy Furlough (Compliance Manager, Managed Care Operations, TennCare Office of Program Integrity (OPI)), Elizabeth Lehner (former TennCare OPI investigator), David Weeks (Senior Associate General Counsel, TennCare Office of General Counsel), Floyd Price (Director, TennCare OPI), and Annette Dreifke (Investigations Manager, TennCare OPI).

Additionally, I can confirm for you that the criminal division of the U.S. Attorney’s Office has a copy of the Presentence Report filed with the Court by the U.S. Probation Office in Amber Reilly’s criminal case, as well as the sealed doctor’s evaluation, but we are currently assessing whether and under what conditions we can release those documents given the restrictions that the court places on disclosure of presentence reports.

Finally, regarding the timing of the change from Magellan to OptumRx as TennCare’s PMB, Magellan’s contract with TennCare expired on 12/31/2019. Prior to the expiration of the contract, Tennessee issued a request for proposals as required by state law and Optum was awarded the contract that began in January 2020.

Again, we will be in touch in the coming days with additional information, and responses to your latest letter, as soon such information is available to us. Be advised that, as we told you at our September 27 meet-and-confer, we are communicating with our clients on a regular and ongoing

basis regarding discovery issues, including those which you have raised.

Rob

Robert C. McConkey, III | Assistant U.S. Attorney | Eastern District of Tennessee | 800 Market Street, Suite 211 | Knoxville, TN 37902 | 865-225-1657 | Robert.McConkey@usdoj.gov

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>

Sent: Wednesday, October 13, 2021 11:37 PM

To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>

Subject: [EXTERNAL] RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Counsel:

Please see the attached correspondence.

Best regards,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>

Sent: Friday, October 8, 2021 10:03 AM

To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[WARNING: External Email]

Thanks Michael. We will review and get back to you.

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Wednesday, October 6, 2021 12:53 PM
To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>
Subject: [EXTERNAL] RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Counsel:

Further to our meet-and-confer last week, attached please find the following:

1. A draft joint stipulated protective order; and
2. proposed search terms for purposes of Plaintiffs' document review.

Please let us know your thoughts as soon as possible. On item 2, we would appreciate if, in addition to letting us know your thoughts on the terms themselves, you could tell us which custodians' data you propose to run the terms across.

Best regards,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>
Sent: Wednesday, September 22, 2021 1:11 PM
To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[WARNING: External Email]

Thanks for your email. I just returned from leave and the remainder of my week is pretty full. Andrew, Tony and I are generally available Monday September 27 except between 2:30-3:00 Eastern. Would sometime Monday work for you and your colleagues?

Rob

Robert C. McConkey, III | Assistant U.S. Attorney | Eastern District of Tennessee | 800 Market Street, Suite 211 | Knoxville, TN 37902 | 865-225-1657 | Robert.McConkey@usdoj.gov

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Tuesday, September 21, 2021 5:45 PM
To: Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>
Subject: [EXTERNAL] Re: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Counsel:

Please let us know your availability this Thursday (9/23) for a meet-and-confer teleconference regarding Plaintiffs' Responses to Walgreens' First Requests for Production. If you are not available on Thursday, we would appreciate if you could propose some alternate times.

Thank you,

Michael

Michael R. Dziuban

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On Sep 15, 2021, at 6:06 PM, Andrew B. Campbell <Andrew.Campbell@ag.tn.gov> wrote:

[WARNING: External Email]

Attached, please find Plaintiffs' Responses to Defendant's First Requests for Production.

Andrew B. Campbell, Esq.
Senior Assistant Attorney General
Public Interest Division
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207
p. 615.532.0356
Andrew.Campbell@ag.tn.gov
<image001.jpg>

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Monday, August 2, 2021 10:57 PM
To: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>; Brodsky, Reed <RBrodsky@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Counsel:

Thank you for your time on today's teleconference. Per our discussion, attached please find a draft proposed scheduling order that reflects Walgreens' position as conveyed on today's call. For convenience, we have included the proposed dates in green text, and included references to the number of weeks prior to trial that each date reflects.

Also, attached please find Walgreens' First Requests for Production of Documents. Please confirm whether you consent to service via email of these requests and future discovery requests in this case.

Best regards,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>
Sent: Thursday, July 29, 2021 1:34 PM
To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Brodsky, Reed <RBrodsky@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[WARNING: External Email]

Unfortunately tomorrow won't work.

Rob

From: McConkey, Robert (USATNE)
Sent: Wednesday, July 28, 2021 4:38 PM
To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Brodsky, Reed <RBrodsky@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Michael – We are checking our schedules and should be able to let you know something firm by tomorrow, but we generally anticipate having availability Monday or Tuesday of next week.

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Wednesday, July 28, 2021 9:33 AM
To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Brodsky, Reed <RBrodsky@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Rob:

Please advise as to Plaintiffs' availability next Monday, August 2, for the parties' initial conference under FRCP 26(f). Alternatively, if Monday does not work, please let us know your availability this Friday, July 30.

Thanks,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>
Sent: Monday, July 26, 2021 11:00 AM
To: Brodsky, Reed <RBrodsky@gibsondunn.com>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[WARNING: External Email]

brief.

From: Brodsky, Reed <RBrodsky@gibsondunn.com>
Sent: Monday, July 26, 2021 8:58 AM
To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Rob: Thanks for your email. We understand scheduling challenges, particularly in the summer. Would you agree to a September 14 deadline for our reply brief? The reason

for September 14 is that we have vacations scheduled for late August, and September 6 is Labor Day. Regards, Reed

From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>
Sent: Friday, July 23, 2021 7:50 AM
To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[WARNING: External Email]

Thank you for forwarding the courtesy copies. Due to various scheduling challenges for our team, we would like to request a two week extension of time to respond to the motion. Would you please advise if you and your client would stipulate to the following as a proposed briefing schedule to be submitted to the Court under [E.D. Tenn. Local Rule 7.1](#)? The proposed date for Walgreens' reply brief, if any, represents an enlargement of 7 days, with an additional day added due to the Labor Day holiday.

- Deadline for Response by United States and State of Tennessee – Aug. 23, 2021
- Deadline for Walgreens' Reply Brief, if any – Sept. 7, 2021

If you are agreeable, we will be happy to prepare a proposed agreed order and forward it for your review prior to submission to the Court. I am generally available today or Monday if you wish to discuss.

Rob

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Robert.McConkey@usdoj.gov

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Tuesday, July 20, 2021 9:35 AM
To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Counsel:

Attached please find courtesy copies of our motion-to-dismiss papers as filed yesterday.

Best regards,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>
Sent: Wednesday, July 14, 2021 3:38 PM
To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyambi2@usdoj.gov>
Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>
Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[External Email]

Michael – thank you for giving us the opportunity to review. The drafts look fine to us.

Rob

Robert C. McConkey, III | Assistant U.S. Attorney | Eastern District of Tennessee | 800 Market Street, Suite 211 | Knoxville, TN 37902 | 865-225-1657 |
Robert.McConkey@usdoj.gov

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>
Sent: Wednesday, July 14, 2021 3:13 PM
To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>;

Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; Clint Woodfin <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Rob – further to my email below, attached are revised versions of the draft motion and proposed order for your review. I've also included PDF redlines so that you can see the changes since this morning.

We are not awaiting any further review by our client. Please let us know your thoughts and from there we will get these on file.

Thanks,

Michael

Michael R. Dziuban

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From: Dziuban, Michael R.

Sent: Wednesday, July 14, 2021 9:58 AM

To: 'McConkey, Robert (USATNE)' <Robert.McConkey@usdoj.gov>; 'Andrew B. Campbell' <Andrew.Campbell@ag.tn.gov>; 'Tony Hullender' <Tony.Hullender@ag.tn.gov>; 'Asiyanbi, Samson (CIV)' <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; 'Clint Woodfin' <cwoodfin@spicerfirm.com>; Katterhagen, Jillian N. <JKatterhagen@gibsondunn.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Rob:

Attached for your review are draft motion papers regarding Walgreens' time to answer the Complaint. These are drafts and remain subject to our client's review. We are happy to discuss if you wish.

Best regards,

Michael

Michael R. Dziuban

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From: Dziuban, Michael R.

Sent: Monday, July 12, 2021 1:38 PM

To: 'McConkey, Robert (USATNE)' <Robert.McConkey@usdoj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>; 'Clint Woodfin' <cwoodfin@spicerfirm.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Rob:

Thanks for your note. Your summary of our position is mostly accurate, although we would clarify that we are not currently taking the position that a false record or statement is a requirement for reverse FCA liability. Instead, our position is that even “knowing[] and improper[] avoid[ance]” of a repayment obligation—which is the only version of reverse FCA liability we think Plaintiffs could conceivably assert, given their allegations in the Complaint—requires that the government be deceived. We agree with you that this is ultimately a legal issue, but wanted to clarify our position.

We understand and appreciate your position on an extension motion in lieu of a stipulation, and we will prepare a draft motion for your review.

Best regards,

Michael

Michael R. Dziuban

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From: McConkey, Robert (USATNE) <Robert.McConkey@usdoj.gov>

Sent: Monday, July 12, 2021 12:29 PM

To: Dziuban, Michael R. <MDziuban@gibsondunn.com>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyanbi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>

Subject: RE: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

[External Email]

Michael, Reed:

We appreciate speaking with you on Thursday, July 8. Based on your description of Walgreens' anticipated Motion to Dismiss, and how you expect the Motion to frame the issues, the United States and the State of Tennessee do not believe that the submission of an Amended Complaint is warranted. Specifically, we understand that it is Walgreens' position that (a) liability under 31 U.S.C. § 3729(a)(1)(A) and (a)(1)(B) and Tenn. Code Ann. § 71-5-182(a)(1)(A) and (a)(1)(B) cannot lie against Walgreens based on the conduct and knowledge of Reilly; and (b) in order for liability to attach under 31 U.S.C. § 3729(a)(1)(G) and Tenn. Code Ann. § 71-5-182(a)(1)(D), it must be alleged and proven that Walgreens engaged in an affirmative act of deception and made, used or relied upon false statements or records to knowingly and improperly "conceal" or avoid an obligation to repay money to the government. We believe that these are legal issues that are unlikely to be cured or avoided through an amended pleading. Accordingly, we believe that our discussion Thursday and this follow up communication satisfies the requirement to meet and confer under Judge Greer's order.

You also requested that the United States and the State of Tennessee stipulate to an extension of time for Walgreens to answer Counts VII and VIII of the Joint Complaint (Payment by Mistake and Unjust Enrichment) until after the Court rules on an anticipated motion to dismiss the FCA and TMFCA counts. Please be advised that Local Rule 12.1 prevents us from entering into a "stipulation" on that point, because the requested extension would necessarily exceed 21 days. However, if Walgreens files a motion with the Court seeking an extension of time to file an Answer until after a ruling is rendered on the Motion to Dismiss, neither the United States nor the State of Tennessee would oppose such a request. If you would forward a draft motion to us for review, we would appreciate it.

As always, if you believe there is anything more that we need to discuss, please let us know.

Best regards,

Rob

Robert C. McConkey, III | Assistant U.S. Attorney | Eastern District of Tennessee | 800 Market Street, Suite 211 | Knoxville, TN 37902 | 865-225-1657 | Robert.McConkey@usdoj.gov

From: Dziuban, Michael R. <MDziuban@gibsondunn.com>

Sent: Tuesday, July 6, 2021 9:41 PM

To: McConkey, Robert (USATNE) <RMcConkey@usa.doj.gov>; Andrew B. Campbell <Andrew.Campbell@ag.tn.gov>; Tony Hullender <Tony.Hullender@ag.tn.gov>; Asiyambi, Samson (CIV) <Samson.Asiyanbi2@usdoj.gov>

Cc: Brodsky, Reed <RBrodsky@gibsondunn.com>

Subject: USA & State of Tenn. v. Walgreen Co., No. 21-cv-00080-JRG-CRW (E.D. Tenn.)

Dear Counsel:

We hope this finds you well. Please let us know your availability in the 9-11am ET timeframe this Thursday (July 8) for a telephonic meet-and-confer pursuant to Judge Greer's standing order regarding motions to dismiss under Federal Rule of Civil Procedure 12(b) (*see* ECF 3).

Best regards,

Michael

Michael R. Dziuban

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